

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEBRA WALKER, ET AL.	*	
	*	
v.	*	
	*	3:85-CV-1210-O
U.S. DEPARTMENT OF HOUSING	*	
AND URBAN DEVELOPMENT, ET AL.,	*	CLASS ACTION
	*	

JOINT PLAINTIFFS' AND DHA'S MOTION FOR APPROVAL AND DIRECTION
OF NOTICE TO THE CLASS AND, AFTER NOTICE, COMMENT, AND HEARING, FOR
APPROVAL OF THE PROPOSED AMENDED AGREED FINAL JUDGMENT

A. Introduction

This motion seeks the approval of Class Notice of the proposed Amended Agreed Final Judgment and approval, following notice, comment period, and hearing, of the proposed Amended Agreed Final Judgment. The proposed Amended Agreed Final Judgment and the proposed Notice are in the Appendix in Support of the Joint Plaintiffs' and DHA Motion. Appendix, pages 2-32. The notice is also being sent to the Court's email address for proposed orders.

The proposed Amended Agreed Final Judgment resolves the issues raised by Plaintiffs' pending Motion for Relief From DHA's Non-Compliance with Remedy Orders (Dkt. No. 2787). That motion involves the operation of the Walker Settlement Voucher program under the remedial orders in this case. In addition, the proposed Amended Agreed Final Judgment consolidates and simplifies DHA's remedial obligations that are currently set out in multiple documents that have been entered at various times during the course of the case.

The parties are submitting separate briefs in support of this motion.

B. The record supports a determination to give notice of the proposal for settlement to the class.

Fed. R. Civ. P. 23(e)(1) requires the parties to provide the Court with information sufficient to enable it to determine whether to give notice of the proposal for settlement to the class. The record is sufficient to support the conclusion that the proposed settlement will likely earn final approval after notice and an opportunity to object.

The class has been certified for purposes of the Walker Settlement Voucher program since the Agreed Order Certifying Rule 23(b)(2) Class (January 19, 2001, Dkt. No. 2113). The certified class is “all African-American persons who, in the past, currently, or in the future: (i) lived or live in public housing, or (ii) received or receive [HCV] assistance, or (iii) applied or will apply for public housing or [HCV] assistance pursuant to a program administered by Housing Authority of the City of Dallas.” *Id.*, pages 1, 2. The proposal incorporates the current class definition and does not seek to change the class definition. *See* Appendix, Amended Agreed Final Judgment, pages 6 - 7.

The parties propose that the contents of the proposed class notice should be published by the following methods after the dates for submission of objections or comments and for the hearing on the motion for approval have been provided by the Court for inclusion in the notice. With the addition of the online posting, this is the notice process that was used for the class notice of the proposed Agreed Final Judgment in 2004. *See* Plaintiffs’ and The Housing Authority of the City Of Dallas’ Agreed Motion for Preapproval of Agreed Final Judgment and for Approval of Notice and Supporting Brief, Dkt. 2512, p. 2.

A. DHA will post the contents of the proposed class notice and links to Exhibits A and B

to this Motion on its website;

B. DHA will post Exhibits A and B to this Motion in prominent positions in all DHA-owned facilities.

C. DHA shall place advertisements twice, if feasible, but in any event at least once, in The Dallas Weekly, The Dallas Examiner, The Dallas Observer, the Greensheet, The Dallas Post Tribune, The Elite News, The North Dallas Gazette, and The Dallas Morning News during a two-week period beginning at least four weeks before the date of the fairness hearing. During this same period, DHA shall also post links to its website and notice of the Class Notice of Settlement on its social media accounts.

C. Materials to be submitted to support approval under Fed. R. Civ. P. 23(e)(2)

Each party's brief will set out the materials it plans to submit to support approval of the proposed Amended Agreed Final Judgment. One party or the other will submit the following materials:

A. The chronology of the actions taken that lead up to and resulted in the proposed Amended Agreed Final Judgment. The chronology will show the contested nature of the proceedings including the discovery sought and obtained and the lengthy and detailed negotiations.

B. A comparison of the relief sought compared to the relief obtained taking into account the contingencies of the litigation process.

C. The absence of any specific request for or agreement on any motion for attorneys' fees by Plaintiffs' attorneys other than the agreement that the Court has jurisdiction to hear and decide such a claim and an understanding that Plaintiffs' Counsel intends to file a motion in the future

requesting attorneys' fees.

D. Documentation showing that the distribution of the available relief will continue the process already in use for providing financial assistance and other aspects of the Walker Settlement Voucher program but will also provide additional funds and beneficial changes to the program.

D. The proposal meets the standards for approval in Fed. R. Civ. P. 23(e)(2) and in Fifth Circuit precedent.

Each party's brief sets out arguments supporting the approval of the proposed Amended Agreed Final Judgment.

Respectfully Submitted,

/s/ Michael M. Daniel

Michael M. Daniel
State Bar No. 05360500
DANIEL & BESHARA, P.C.
3301 Elm Street
Dallas, Texas 75226-1637
214-939-9230
Fax 214-741-3596
E-mail: daniel.michael@att.net
Attorney for Plaintiffs

Laura B. Beshara
State Bar No. 02261750
DANIEL & BESHARA, P.C.
3301 Elm Street
Dallas, Texas 75226-1637
214-939-9230
Fax 214-741-3596
E-mail: laurabeshara@swbell.net
Attorney for Plaintiffs

/s/ Katie Anderson

KATIE ANDERSON
State Bar No. 00789631
katie.anderson@clarkhillstrasburger.com
TATE L. HEMINGSON
State Bar No. 24064370
tate.hemingson@clarkhillstrasburger.com

CLARK HILL STRASBURGER
901 Main Street, Suite 6000
Dallas, TX 75202-3794 (214) 651-4300
(214) 651-4330 Fax

ATTORNEYS FOR DEFENDANT
THE HOUSING AUTHORITY FOR
THE CITY OF DALLAS, TEXAS

Certificate of Service

I hereby certify that on June 13, 2019, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. The electronic case files system will send a “Notice of Electronic Filing” to all counsel of record who have consented in writing to accept this Notice as service of this document by electronic means.

s/ Michael M. Daniel
Attorney for Plaintiffs